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EXAMINER

SALCE, JASON P

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/6/2008 was filed after the mailing date of the Final Rejection on 11/01/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has considered by the examiner.

Continuation of Item 11 of Advisory

Applicant argues that Dunn does not teach all of the claim limitations except the use of a broadcast carousel and that Dunn fails to teach "*retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module*", as recited because the recited "*said modules*" are "*not broadcast responsive to a client request*", whereas Dunn only discloses retrieving programs that match a search request that are also transmitted in response to the search request.

The examiner disagrees and notes that Dunn clearly teaches these limitations at Column 12, Lines 22-36. As stated in the previous Office Action, Dunn sends search criteria from the client to the server (**see Column 12, Lines 22-25**). Dunn then states that the server receives the search criteria and performs a search of the SQL database (**see Column 12, Lines 26-28**). Dunn then sends the qualifying module number to the client device (**see Column 12, Lines 31-35**), receives the qualifying module number (**see again Column 12, Lines 31-35 and note that if the qualifying module numbers are transmitted to a set-top box then they are received**) and using the qualifying

module number to retrieve a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module (**see Column 12, Lines 52-54 for using a qualifying module number to retrieve the proper trailer from the CMS database**).

Applicant further argues that because the recited "*said modules*" are "*not broadcast responsive to a client request*", that Dunn cannot teach these claim limitations. Again, the examiner disagrees and notes that while Dunn teaches broadcasting a plurality of modules in a continuous loop, wherein said plurality of modules are not broadcast responsive to a client request (**see Column 12, Lines 17-19**), Dunn only teaches doing so for "new releases" of trailers (**see again Column 12, Lines 17-19**) and not when a new group is selected. Dunn can access the new group of trailers in a next/previous fashion (**see Column 12, Lines 48-56**), however in regards to the new group of trailers, Dunn is silent about the use of a broadcast carousel because the viewer must send a request to the server each time a next or previous trailer is to be retrieved from the server. Therefore, while Dunn provides technology similar to a broadcast carousel, by transmitting new release trailers in a continuous loop, Dunn fails to teach that a carousel is used for the group of trailers selected using the viewer's search criteria, hence the application of the trailer carousel of Klosterman in the 103(a) rejection.

Applicant also argues that Klosterman's user merely selects a trailer/preview without matching a received qualifying module number. Again, see the examiner's rebuttal above for Dunn teaching these claim limitations.

Applicant also argues that no teaching or suggestion is made that the request sent by the viewer to the headend (i.e. Dunn's request for a new group of trailers that match a set of search criteria) would result in receiving a qualifying module number that would match a trailer as taught by Klosterman (i.e. a pushed trailer). Again, Dunn teaches that a request results in qualifying module numbers that match a trailer (**see examiner's rebuttal above**). Klosterman is used to apply the specific carousel transmission scheme to the trailer search, retrieval and transmission system of Dunn.

Applicant also argues that there would be no motivation to attempt to match a qualifying module number to Klosterman's trailers. The examiner notes that Dunn is the primary reference being modified in the 103(a) rejection, not Klosterman. As stated above, Dunn already teaches matching a qualifying module number to trailers (**with proper program monikers and IDs**) stored in a CMS database.

Applicant also argues that Klosterman's pushed trailers do not add anything to Dunn that is not already there and that there is no suggestion to modify the method of viewing a preview by sending search criteria to the headend to determine which preview matches the criteria. The examiner disagrees and notes that Dunn's trailers that have

Art Unit: 2623

been retrieved based on search criteria specified by the viewer, are only retrieved from the CMS database, each time the user requests to view the previous or next trailer.

This process requires a video to be retrieved from a database, each time the user requests the video. Alternatively, Klosterman teaches placing trailers on a single channel and cyclically transmitting the trailers in a broadcast carousel (**see Figure 10**).

The addition of such a transmission scheme to the system of Dunn would result in not only requiring less bandwidth to transmit multiple trailers in a single broadcast stream/channel (**see Column 10, Lines 45-46 of Klosterman**), but even further eliminate any additional processing steps required by the server of Dunn by having the database queried and a preview/trailer retrieved everytime a request from the viewer has been issued. Therefore, Dunn would benefit from the transmission scheme of Klosterman and one of ordinary skill in the art would be motivated to make such a modification to the system of Dunn.

Applicant also argues that Dunn and Klosterman do not teach advertisements. The examiner notes that Dunn teaches viewing a trailer and purchasing a movie to view based on the viewed trailer (**see Figure 13**). Therefore, the trailer clearly represents an advertisement for a movie.

/Jason P Salce/

Primary Examiner, Art Unit 2623

Application/Control Number: 10/652,261
Art Unit: 2623

Page 6